

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

GARY C. and GALE B. WARREN

and

TOLL BROS., INC.,

Plaintiffs,

v.

NEW CASTLE COUNTY,

Defendant.

C.A. No. 07-725 SLR-LPS

**[PROPOSED] STIPULATED BRIEF SCHEDULING ORDER ON NEW CASTLE  
COUNTY'S MOTION TO DISMISS THE AMENDED COMPLAINT**

WHEREAS, New Castle County ("County") filed an opening brief in support of its motion to dismiss plaintiffs' amended complaint on January 31, 2008; and

WHEREAS, a teleconference was held with the Honorable Leonard P. Stark on February 6, 2008 to discuss, *inter alia*, a briefing schedule for resolution of the County's motion to dismiss; and

WHEREAS, the Honorable Leonard P. Stark requested that the parties submit a stipulated order establishing a briefing schedule on the County's motion to dismiss in accordance with the rulings made during the February 6, 2008 teleconference.

NOW THEREFORE, it is stipulated by the parties, subject to approval by the Court, that briefing on the County's pending motion to dismiss the amended complaint shall proceed as follows:

1. Plaintiffs shall file their answering brief in opposition to the County's motion to dismiss on or before February 29, 2008.

2. The County shall file its reply brief on or before March 14, 2008.

3. As Ordered by the Honorable Leonard P. Stark at the teleconference, plaintiffs shall not be permitted to file a sur-reply brief without leave of court. Plaintiffs reserve the right to seek leave of court to file a sur-reply brief.

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Dated: February 7, 2008

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SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Judge